IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7094 of 2005

Between:

M/s. Indus Projects Limited, 201, Regency House, 680, Somajiguda, Hyderabad, rep. by its Director, B. Gautam, S/o. Dr. b. Dayakar Reddy, Plot . No. 487, Road No. 10, Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1 Govt of A.P., rep. by its Prl. Secretary, Transport Dept., Secretariat,

Hyderabad.
2 Deputy Transport Commissioner, R.r.District, Hyderabad.
3 Motor Vehicle Inspector, Transport Dept., Pargi, R.R.district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any appropriate writ, order or direction preferably a writ in the nature of writ of Mandamus declaring the action of the respondents in demanding life tax and penalty against vehicle bearing No. KA 30 N 7766 of the petitioner company as being highly arbitrary, illegal and void.

Counsel for the Petitioner:MR.O.KAILASHNATH REDDY

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

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ORDER: **(Per the Hon'ble Sri Justice G.Bikshapathy)**

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This writ petition is filed assailing the action of the respondents in seizing the RC Book and PU Certificate of Vehicle bearing No. KA 30 N 7766 and also the driving licence of Deepak Ramachandra Naik.

2. It is the case of the petitioner that vehicle No. KA 30 N 7766 was purchased in Karnataka and the petitioner company is engaged in construction, quarrying and carrying on other allied activities in Karnataka as well as in Andhra Pradesh and for that purpose the vehicle has to ply in both the States. While so, the vehicle was inspected by the Motor Vehicle Inspector and the documents were seized. Thereafter, show cause notice was issued to the petitioner demanding Rs.47,564/- by the 2nd respondent on the ground that the vehicle was plying in Andhra Pradesh for more than four months. The said notice came to be challenged in the present writ petition.

3. The learned counsel for the petitioner submits that the vehicle was purchased in Karnataka and life tax was also paid and for the purpose of attending the project work, the vehicle has to be driven in Andhra Pradesh, and therefore the very seizure is illegal and contrary to law.

4. We are not inclined to deal with the aspect of seizure. Inasmuch as the show cause notice was already issued, we leave it open to the respondents to proceed further pursuant to the show cause notice in accordance with the Rules. Pending final orders to be passed, the respondents are directed to release the seized documents, namely R.C. Book. PU certificate and driving licence of Deepak Ramachandra Naik, to the petitioner on furnishing an undertaking that the vehicle in question shall not be alienated nor any charge is created in respect of the vehicle, until the final orders are passed pursuant to the show cause notice.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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G.Bikshapathy, J.

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P.S.Narayana, J.

4th April, 2005.

C.C. in three days

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Prl. Secretary,Govt of A.P., Transport Dept., Secretariat,

Hyderabad.
2 Deputy Transport Commissioner, R.R.District, Hyderabad.
3 Motor Vehicle Inspector, Transport Dept., Pargi, R.R.district.

4. 2CCs to G.P. for Transport, High Court Buildings, Hyderabad (OUT)

5 2 CD copies

6. 1 CC to MR.KAILASHNATH REDD

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

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4th April, 2005.